

REMARKS

This Amendment is being filed in response to the Office Action mailed January 8, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, current title has been deleted and substituted with a new title to correct a minor error, namely, replacing "AN SUCTION " with "A SUCTION."

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-5 have been amended for non-statutory reasons, such as for better form and beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1-5 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner suggested adding headings to the specification. Applicant gratefully acknowledges the Examiner's suggestion, however respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the Office Action, the Examiner objected to the specification for certain informalities. In response, the specification has been amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, the Examiner objected to claim 1 for certain informalities. In response, claim 1 has been amended in accordance with the Examiner's suggestions. Accordingly, withdrawal of the objection to claim 1 is respectfully requested. Claim 1 was not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-2 and 4-6 are rejected under 35

U.S.C. §102(b) as allegedly anticipated by JP08-065956 (Kihara). Further, claims 1-4 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2006/0115368 (Luedtke). It is respectfully submitted that claims 1-6 are patentable over Kihara and Luedtke for at least the following reasons.

On page 5 of the Office Action, paragraphs [0016]-[0017] of Kihara are cited to allegedly show removing material from both a rotor and a turbine unit. Applicant respectfully disagrees and submits paragraphs [0016]-[0017] merely describe determining the location of an imbalance and cutting a radial impeller 9. That is, at best, material from only one portion is removed, namely the radial impeller 9.

Luedtke is directed to pump with a built-in electric motor 16 as well as a mounted pump mechanism 13 as it is used for counterbalancing, e.g., in a balancing machine, as recited in paragraphs [0037]. In Luedtke, the "balancing process" is performed consecutively or in parallel in two balancing planes." (Paragraphs [0037], emphasis added) Luedtke further discloses that "material

can be "gnawed off" the balancing plate 50 or the cover plate 54." (Paragraphs [0037], emphasis added) Thus, any material is removed only from one location, either from the balancing plate 50 or from the cover plate 54. It is the balancing process which is performed in two balancing planes. Thus, similar to Kihara, Luedtke also merely discloses removing material from only one portion, namely, balancing plate 50 or from the cover plate 54.

In stark contrast, the present invention as recited in independent claim 1, amongst other patentable elements recites (illustrative emphasis provided) :

removing an amount of material from the rotor in order to torque-balance the rotatable part, and  
in order to torque-balance the rotatable part,  
removing an amount of material from the turbine unit.

Removing material from two different parts is nowhere disclosed or suggested in Kihara, Luedtke, and combination thereof.

Assuming, arguendo that Kihara or Luedtke discloses removing material from two different parts, Kihara, Luedtke, and combination thereof still do not disclose or suggest removing material from both a rotor and a turbine unit.

Accordingly, it is respectfully requested that independent

claim 1 be allowed. In addition, it is respectfully submitted that claims 2-6 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

For example, claim 3 also includes patentable subject matter. On page 7 of the Office Action, in rejecting claim 3, FIGs 1-2 and paragraphs [0009], [0012], [0019] and [0034]-[0035] of Luedtke are cited to allegedly show that "the amount of material that is removed from the rotor is situated in a plane extending perpendicularly to the axis of rotation and through a center of gravity of the rotatable part," as recited in claim 3.

(Illustrative emphasis provided)

It is respectfully submitted that Luedtke is completely silent and does not disclose or suggest removing any material from the rotor, where the removed material is situated in a plane through a center of gravity of the rotatable part, as recited in independent claim 1. Rather, Luedtke discloses removing material from a balancing plate 50 or a cover plate 54. Removing material from a

rotor is nowhere taught or suggested in Luedtke, let alone teaching or suggesting removing material from the rotor through a center of gravity of the rotatable part, as recited in claim 3.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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